

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RALPH GEORGE BARKE, et al.,

Plaintiff,

v.

Case No. 08-C-162

TRAYCEE ENGLAND, et al.,

Defendant.

ORDER

Plaintiff Ralph George Barke has filed a motion for leave to proceed *in forma pauperis*. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring suit in federal court. 28 U.S.C. § 1914. The federal *in forma pauperis* statute, 28 U.S.C. § 1915, however, insures indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). Section 1915 authorizes an indigent party to commence a federal court action, without costs and fees, upon submission of an affidavit asserting an inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a).

The affidavit submitted by Barke in support of his motion is incomplete and fails to establish his indigence. Barke has informed the court that he is unemployed, unmarried, has no monthly income, and has over \$900 in monthly expenses. However, he has not indicated whether he has any dependents, or whether he has any cash or checking, savings, or other similar accounts. Therefore, Barke will be given 21 days within which to either supplement his affidavit to establish his

indigence, or pay the \$350 filing fee. If he fails to do so, the case will be dismissed without prejudice.

Any supplement to Barke's affidavit must include information concerning his dependents and financial accounts, if any, and offer explanation as to how he meets his monthly expenses despite his lack of income. If Barke is the beneficiary of a trust, or if another person or legal entity is paying his expenses, he should inform the court of such circumstances.

IT IS THEREFORE ORDERED that plaintiff's motion for leave to proceed *in forma pauperis* is hereby **DENIED**. If plaintiff fails to either establish his indigence or pay the filing fee within 30 days of the date of this order, the case will be dismissed without prejudice.

Dated this 26th day of February, 2008.

s/ William C. Griesbach

William C. Griesbach

United States District Judge